

MINUTES

273rd Meeting Contractors' Registration and Licensing Board

September 12, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. Paul Brunetti.

(C) The minutes of the 272nd meeting were approved on a motion by Mr. Art Salisbury and seconded by Mr. Edgar Ladouceur.

Introduction: Eric Wishart PE, was introduced by the director to the board members. He will be replacing Steve Gianlorenzo as the

contractor member.

(D) Court Case Update:

September 2012

Court Ordered Restitution/Fines

(E) Review of Pending Issues with the Building Officials Association:

1.) The Building Officials were not represented at this meeting. The Executive Director informed the Board of concerns expressed by Building Officials regarding security on the Boards website and efforts to try and make it more user friendly.

(F) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Claim #7755, Fallon vs. Pace, Respondents Registration #33913, Linda Pace, Pace Granite Kitchen and Bath, exceptions filed by the Respondent. This matter was continued once again due to the homeowner's attorney being court excused for vacation. Matter will be rescheduled for next month.

2.) 1:00 PM, Claim #7716, Wilson vs. Kapuscinski, Respondents

Registration #12593, Ronald Kapuscinski, Four Seasons, exceptions filed by the Respondent. Both parties were in attendance and were able to address the Board. The Respondent, who had filed the exceptions, requested a continuance until next month because his attorney was reached for trial today and was not able to attend this meeting. Objections were heard by the Wilsons attorney and Board discussed concerns regarding the filing of a Superior Court Case on the same issues with legal counsel. After much discussion, a motion was made by the chair Mr. Felix Carlone and seconded by Edgar Ladouceur that this matter be postponed until next month so the Respondent could have counsel present exceptions and arguments as to the order issued by the Board and assessment of fines. Motion passed unanimously.

3.) 1:20 PM, Claim #7826, Boericke vs. McClellan, Respondents Registration #21042, Philip McClellan, Community Improvements, exceptions filed by the Respondent. After waiting for the Respondent, he showed and the matter was heard by the Board. Mr. McClellan who filed the exceptions presented his case and concerns to the Board. The Boards investigator provided testimony as to his report and the concerns he had regarding other open contracts with the same contractor. The homeowner briefly expressed her concerns. After much discussion and many questions by the members to the Respondent, a motion was made by Edgar Ladouceur to uphold decision rendered by the hearing officer. The motion was seconded by J.L. Brillion for discussion and after discussing the matter the

motion and second was withdrawn. A new motion was made by Mr. Ladouceur with a second by William Nash to modify the decision of the hearing officer to reflect an increase in the fines imposed to reflect a fine of \$2,500.00 for using the word license instead of registration and an additional fine in the amount of \$2,500.00 for not having a right of recission clause in the contract or a mechanics lien notice as required by law. After more discussion the chair called for a vote and the Board elected to modify the hearing officer decision with one vote in the negative rendered by Robert Cardoza.

4.) 1:40 PM, Claim #7033, Farrell vs. Thomas, Request by Respondent to act on Revoked Registration #2308. After waiting for the parties for over thirty minutes, a motion was made by Mr. Edgar Ladouceur and seconded by J. L. Brillion to deny the reinstatement of the revoked registration of Mr. Thomas Registration #2308; motion carried unanimously.

5.) 1:50 PM, Claim #7733, Monti vs. Stevenin, Request by Respondent to Motion Board to Vacate Proposed Order, in that he never received it to appeal the decision rendered. Had requested continuance upon receipt of hearing notice in that he was out of state but it was not granted by hearing officer and matter heard without him. Both parties were present and the Respondent who filed exceptions presented his case. Discussion transpired between the Board members and questions were asked to the Respondent as to why he was unable to attend the scheduled hearing and needed a continuance. He stated

he notified the hearing officer two weeks in advance that he could not attend the hearing but was not granted a continuance. He knew he would be working out of state and knew he could not make the morning hearing and even asked if it could be scheduled in the late afternoon, but was told no by the hearing officer. Testimony from the investigator, Richard Case, explained that he called the contractor on July 13, 2012 and left a message on his voice mail that the hearing was going to be conducted July 16, 2012 at 9:00 AM. After more discussion and statements from the homeowner, a motion was made by Mr. Edgar Ladouceur and seconded by Felix Carlone to remand the matter back for a new administrative hearing. Motion carried unanimously.

EXPUNGEMENTS: None requested

2:00 PM EDUCATIONAL PRESENTATION: David Arneson – President Titanium

Educational Solutions; Matter was postponed until next month for a presentation.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 09/12//2012

Registrations:

Number of Registered Contractors 11073

Number of Cards Surrendered	5956	Number of Cards	
Expired/Lapsed	16919	Number of Cards Invalidated	1163
Number of Cards Suspended	502		
Number of Cards Revoked	103		

Registration Actions

08/08/2012-09/12/2012

Number of New Registered Contractors	96
Number of Renewed Contractors	10977
Number of Cards Surrendered	64
Registrations Invalidated	4
Registrations Suspended	5
Registrations Revoked	0

Claims:

Administrative Appeals	5
Board Appeals	5
Address Traces	83
Awaiting Further Action	31

Court

Disposed	6421
Final Orders	45
Hearings	33
Out of State Services	14
Proposed Orders	109
Under Investigation	115

Total Claims Filed with the Board	7486
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Number of New Claims Processed	34
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08/08/2012-09/12/2012

Violations:

Action Against Registration	33
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Advertising	2
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Non-Registered Subcontractors	
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22

Cancelled Insurance	1216
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Notice of Hearing	4
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Non-Registered Contractor	
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856

TOTAL RECORDS	2133
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Number of New Violations	136
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08/08/2012-09/12/2012

Lapsed Registrations/Never Re-Newed:

August	2011
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71

	September	2011
96		
	October	2011
71		
	November	2011
74		
	December	2011
82		
	January	2012
66		
	February	2012
62		
	March	2012
104		
	April	2012
150		
	May	2012
142		
	June	2012
143		
	July	2012
145		
	August	2012
160		
	September	2012
203		

2012

January	0
\$00.00	
February	1
\$50.00	
March	2
\$200.00	
April	0
\$000.00	
May	0
\$00.00	
June	3
\$550.00	
July	1
\$250	
August	11
\$2,750.00	

Commercial Roofers:

Number of New Registered Contractors	2
Number of Renewed Roofer Contractors	135
Number of Cards Surrendered	20

Number of Expired/Lapsed	63
Registrations Invalidated	1
Registrations Suspended	0
Registrations Revoked	0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings have been held yet on this matter but have made some progress. New attorney will be working with executive director to get the regulations formulated for committee review and then public hearing on matter.

(I) New Business:

(1.) Budget: Still waiting to put out to bid request for new card machines

which is expected soon; this needs to be ready for the new software.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board

has been proceeding and making slow progress. Projected date may be

delayed until early next year.

(3.) The Board is still waiting for a position to be approved for posting.

Posting of that position should take place soon.

(4.) Education: David Arneson, president of Titanium Education Solutions

Cancelled his presentation this month and hopes to be able to present next

month. NASCLA is also working on education standards and will

provide the Board with a presentation DVD regarding its ability to serve

as a clearing house for the state. It was also discussed by the Board that

the instructors teaching the code classes should all be teaching the same

for uniformity. It was suggested that the Building Code Commissioner be

asked to address the Board next month this regard to assure consistency.

(5.) NASCLA: Meeting of Board of Directors celebrating 50 years of

excellence in regulation will be in Bend OR September 30th to October 4th

2012.

(6.) Request for Proposal: The Board will have to re-issued the RFP seeking

testing companies to provide the RICRLB with an avenue to test Home

Inspectors, Commercial Roofers and well drillers. Redrafting of this RFP

will be necessary in that DLT is not going to be part of this.

(J) Public Comment: None

(K) Announcements: The next Board meeting is scheduled for Wednesday

October 10, 2012 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by Mr. William Nash and seconded by Mr.

Paul Brunetti to adjourn at 3:15 PM.

Members Present: William Nash, David Caldwell, Martin Ezeama, Felix Carlone,

Robert Cardoza, Arthur Salibury, Paul Brunetti, Edgar Ladouceur,

Eric Wishart PE, William Geddes and J.

Lawrence Brillon.

**Members Absent: Eric Anderson, who resigned from the Board,
Tom Furey, Ronald
Caniglia and Steven Carlino.**

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**Others Present: George Whalen (Executive Director), Ariele Yaffee,
Attorney Generals Office, legal counsel),
stenographer, staff.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board